

# **Environmental Compliance Audit**

## **Statement of Work Environmental Services for a Comprehensive Environmental Compliance Audit FOR VISN 23**

### **Part 1 - Scope of Audit**

The successful contractor will conduct an environmental compliance (multi-media) audit of identified US Department of Veterans Affairs VISN 23 healthcare facilities and Community Based Outpatient Clinics (CBOCs). The Period of Performance will be June 1 – September 30, 2012.

Provide all engineering and environmental technical services as well as equipment and supplies to complete a comprehensive environmental compliance (multi-media) audit at the US Department of Veterans Affairs VISN 23 Healthcare Facilities and CBOCs listed in Attachment A 'Facility Listing'.

The contractor will use standard audit protocol to address all applicable federal, state, and local environmental regulations. The contractor will review records, interview staff and visually inspect each facility for compliance with federal, state, and local environmental regulations. The audit will include at a minimum, air programs, water and wastewater programs, pesticide programs, solid and hazardous wastes, hazardous substances and chemicals, environmental response, emergency planning and community Right-to-Know programs, Hazardous Materials Transportation, and toxic substances (See Attachment B 'Federal, State, and Local Environmental Regulations'). It is the contractor's responsibility to determine all applicable regulations for comprehensive audit review.

The contractor will use the Army Corps of Engineer-CERL Compliance and Processes Tracking (CP-Track) software for the site inspection and report preparation. The contractor will be provided on-line access for the facilities to be audited.

### **Part 2 - Qualifications**

To be considered for this contract, prospective bidders must provide experienced environmental auditors meeting the definition of an "environmental professional" per US EPA guidance for conducting an on-site survey. Acceptable professional certifications also would include Registered Environmental Property Assessor (REPA), Certified Environmental Auditor (CEA), Professional Engineer (PE), Certified Hazardous Materials Manager (CHMM) and/or other nationally recognized equivalent registrations. The prospective contractor will provide names of auditors and documentation of the auditors' environmental auditing experience at the time the Request for Proposal (RFP) is submitted. A Certified Professional Environmental Auditor (CPEA) is highly desirable but not required.

Prospective bidder must be able to demonstrate a minimum of 7 years of experience in conducting multi-media audits in tertiary care hospitals. Bidder must provide a minimum of 5 examples of multi media audits conducted in large medical center settings. The contractor's project director must have a PE or JD with an environmental law background with at least 15

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years of comprehensive environmental experience and specific experience designing and conducting multi-media audits.

The prospective bidder must provide the qualifications of each audit team member that will be assigned to conduct the audits per this contract. The VA has the right to approve audit team members based on the qualifications submitted for review. The contractor can not substitute audit personnel without the written permission of the VA Contracting Officers Technical Representative (COTR).

Auditors will demonstrate familiarity with the use of the U.S. TEAM Guide and State Supplements to the TEAM Guide. At least one member of the audit team will demonstrate experience with environmental regulation applicability at a medical center or hospital and an understanding of the processes and practices common to medical centers.

Auditors will demonstrate experience in the following environmental areas including but not limited:

- Clean Water Act (CWA)(Ground water Protection Permits, Industrial discharge and water plant; NPDES, Storm Water Management; Oil Pollution Preventions);
- Resource Conservation and Recovery Act (RCRA) (RCRA Waste Management regulations, Underground storage tank regulations, industrial furnaces, solid waste management);
- Emergency Planning and Community Right-to-know Act;
- Clean Air Act (Medical waste incinerators, Risk management, Air quality air emission regulations, air permits, motor vehicle air conditioning systems, refrigerant gases);
- Above ground storage tank regulations;
- Toxic Substance Control Act regulations;
- Asbestos Regulations (ASHERA);
- Federal Insecticide Fungicide and Rodenticide Act (FIFRA);
- National Environmental Policy Act (NEPA);
- Endangered Species Act;
- National Historical Preservation Act;
- Archaeological Resources and Protection Act (cultural resources, natural resources);
- Government Environmental Directives and Executive Orders ( EO 13148, EO 13423, and EO 13514);
- Sustainable and Industry Best Practices (pollution prevention);
- PCBs;
- Lead based paint in housing, and medical waste.

Auditors will demonstrate competency in these areas with state and local regulations as well as federal. At least one audit team member must demonstrate specific experience and knowledge in each of these program areas.

The VA COTR must approve, in writing, any subcontracting work.

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### **Part 3 – Security**

#### **3.1 Information System Security**

1. The contractor shall ensure adequate LAN/Internet, data, information, and system security in accordance with VA standard operating procedures and standard contract language, conditions laws, and regulations.
2. The contractor's firewall and web server that will be utilized for this contract shall meet or exceed the government minimum requirements for security. All government data shall be protected behind an approved firewall.
3. Antiviral software will be installed and kept current.
4. All sensitive data residing on mobile storage devices (i.e., laptops, thumb drives, CD's, etc.) must be encrypted using a VA approved FIPS 140-2 certified encryption product.
5. Any security violations or attempted violations shall be reported to the VA project manager and VA Information Security Officer as soon as possible.
6. Equipment should be housed and protected in such a way that reduces the risks from environmental threats and hazards, and the opportunities for unauthorized access, use, or removal.
7. Only VA-approved remote access solutions, certified and accredited in accordance with VA Directive 6214, may be used. All remote connections to VA networks must be through VA Field Security Operations authorized configurations and access points.
8. Computers used to access the VA network remotely are subject to the following:
  - a. The configurations, processes and procedures described in the VA Remote Access Guidelines, published and updated by the VA Field Security Operations must be adhered to;
  - b. If the workstation is not behind the contractor's firewall, then a VA approved personal firewall, which is included with One-VA Virtual Private Network (VPN) Client software, must be installed on the workstation;
  - c. Remote access sessions through the Internet or other un-trusted non-VA networks must be conducted using VA's remote access VPN service;
  - d. All remote access devices used to connect to VA networks will be configured to provide protection from malicious code and unauthorized access.
9. VA information may not reside on non-VA systems or devices unless specifically designated and approved as appropriate for the terms of the contract.

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10. The contractor will provide assurance to VAMC Office of Information Technology (OIT) Chief, Information Security Officer (ISO) and/or designee that they have adhered to the remote access requirements, that systems are properly configured and that appropriate security mechanisms and monitoring devices are up to date with best practices and technical standards.
11. Upon termination of the contract, computer equipment used in performance of contractual obligations will be sanitized according to VA standards and guidelines. When non-VA equipment is transferred or disposed, the equipment will be sanitized according to VA standards and guidelines.
12. The contractor shall follow all applicable VA policies and procedures governing information security, especially those that pertain to certification and accreditation.
13. Contractors are prohibited from establishing communication configurations that would permit access to be established from outside the VA onto VA private networks that bypass established authentication and authorization processes, such as enabling unsecured modems on computers connected to VA internal networks.

### **3.2 Security Training**

All contract employees under this contract who will be accessing the VA computer network are required to complete the VA's on-line Security Awareness Training course annually. If computer access does not include VistA or CPRS, then the contractor must provide signed certification of completion to the VAMC ISO during each year of the contract. This requirement is in addition to any other training that may be imposed by contract or other VA organizations.

### **3.3 Contractor Personnel Security**

1. The contractor must provide immediate notification to the VA IRM department when an employee transfers to a different job and no longer requires access or when an individual is no longer employed.
2. Annually users will electronically sign the VA's Rules of Behavior (Computer Access Agreement).
3. Users will not divulge their passwords and will follow VA guidelines for creating passwords.
4. Users will abide by HIPAA standards and safeguard patient information.
5. While on the VA computer network, users will abide by VA directives, policies and procedures.

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6. Users must report any observed or suspected security incident as quickly as possible to the contractor's IRM staff.
7. Users are not authorized to use remote access services to engage in any activity that is illegal under local, state, federal, or international laws; or that violates VA policies.

### 3.4 Background Investigation

All contractor employees who require access to the Department of Veterans Affairs' computer systems shall be the subject of a background investigation and must receive a favorable adjudication from the VA Security and Investigations Center (07C). This requirement is applicable to all subcontractor personnel requiring the same access. If the security clearance investigation is not completed prior to the start date of the contract, the employee may work on the contract while the security clearance is being processed, but the contractor will be responsible for the actions of those individuals they provide to perform work for VA.

The position sensitivity for this effort has been designated as **Low** Risk and the level of background investigation is a National Agency Check with Written Inquiries.

1. The contractor shall bear the expense of obtaining background investigations. If the investigation is conducted by the Office of Personnel Management (OPM) through the VA, the contractor shall reimburse VA within 30 days.
2. Background investigations from investigating agencies other than OPM are permitted if the agencies possess an OPM and Defense Security Service certification. The Vendor Cage Code number must be provided to the Security and Investigations Center (07C), which will verify the information and advise the contracting officer whether access to the computer systems can be authorized.
3. The contractor shall prescreen all personnel requiring access to the computer systems to ensure they maintain a U.S. citizenship and are able to read, write, speak and understand the English language.
4. The contractor shall submit or have their employees submit the following forms to the VA Office of Security and Law Enforcement within 30 days of receipt:
  - a. Standard Form 85P, Questionnaire for Public Trust Positions.
  - b. Standard Form 85P-S, Supplemental Questionnaire for Selected Positions.
  - c. FD 258, US Department of Justice Fingerprint Applicant Chart.
  - d. VA Form 0710, Authority for Release of Information Form.
  - e. Optional Form 306, Declaration for Federal Employment.
  - f. Optional Form 612, Optional Application for Federal Employment.
5. After contract award and prior to contract performance, the contractor shall provide the following information to the VAMC ISO:
  - a. Legal names of employees that will need access to the VA computer network.
  - b. SSN.

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- c. Work phone number.
  - d. Email address.
  - e. The contractor's address or home address of contractor personnel.
  - f. Signed Rules of Behavior for One-VA VPN Service, if applicable.
  - g. Menu options and keys needed to fulfill contract obligations – this can also be supplied by the VA POC.
6. The contractor, when notified of an unfavorable determination by the Government, shall withdraw the employee from consideration from working under the contract.
  7. Failure to comply with the contractor personnel security requirements may result in termination of the contract for default.

### **3.5 Government Responsibilities**

1. The Human Resources department of the local VA can provide the necessary background investigation forms to the contractor.
2. Upon receipt, the VA Security and Investigations Center (07C) will review the completed forms for accuracy and forward the forms to OPM to conduct the background investigation.
3. The VA facility will pay for investigations conducted by the Office of Personnel Management (OPM) in advance. In these instances, the contractor will reimburse the VA facility within 30 days.
4. The VA Security and Investigations Center (07C) will notify the contracting officer and contractor after adjudicating the results of the background investigations received from OPM.
5. The VA will provide secure and reliable remote access to systems, applications, and information on the VA network for business partners (Government agencies, contractors, and others authorized remote access to VA networks).
6. VAMC OIT Chief, ISO and/or designee will approve individual requests for remote access based on business requirements, including restrictions and limitations that should be applied.
7. If possible, establish a quarterly meeting of appropriate individuals to review and address issues pertaining to security and network connectivity.

## **Part 4 – Procedures**

### **4.1 Pre-Audit Questionnaire and Document Review**

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The VA utilizes the Army Corps of Engineer's Construction Engineering Research Laboratory (CERL) electronic environmental audit protocol called CP-Track for site inspection findings and report preparation.

The facility will provide to the auditor access to the Facility Survey in CP-Track. Auditors will review this survey prior to conducting the audit and will develop the pre audit questionnaires from the Facility Survey. The prospective bidder must identify individuals who will be entering data and findings into CP-Track and who will be conducting quality assurance on all findings.

Contractor will forward a pre-audit questionnaire and document request to each facility and the VISN/Network Environmental Consultant for each facility. The document will include questions that help the contractor understand the scope of the environmental compliance audit at the individual sites.

Review existing environmental documents and compliance in physical areas including but not limited to:

- ❖ Required licenses and permits (i.e. air, water, hazardous waste);
- ❖ Required records:
  - EPA ID number, sampling and monitoring reports; transport disposal records (hazardous waste manifests, land disposal restrictions) exemption reports, regulated medical waste documentation; lead disclosures associated with leases,
- ❖ Required Plans and/or documents:
  - hazardous chemical inventories; project documents; spill plans (SPCC); contingency plans; Review site drawings and plans including petroleum storage and waste water treatment plant
- ❖ Required training records and certifications;
- ❖ Visit physical locations and evaluate for compliance:
  - hazardous & universal waste storage facilities, water supply & effluent systems, as well as, air emission sources.

All documentation shall be reviewed per applicable US Environmental Protection Agency (EPA), state, and local requirements. See Attachment B 'Federal, State, and Local Environmental Regulations'. **It is the contractor's responsibility to determine all applicable regulations for this comprehensive audit review.**

### 4.2 Kick-Off Meeting

Following completion of task 4.1 (Pre-audit questionnaire and document review) provide a comprehensive site inspection of each facility listed in Attachment A. The contractor will begin the on-site portion of the audit with a kick-off meeting between audit team and representatives of Facilities Management Services and/or the Green Environmental Management System (GEMS) Coordinator or other representatives designated by the VA for each facility with knowledge of physical plant and facilities, clinical laboratory operations, research laboratory operations, hazardous/infectious waste management, wastewater compliance programs, OSHA compliance programs, etc.

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During this meeting, the contractor will listen to the VA's needs and desires, and further describe the auditing approach. The meeting will include a question/answer session to address the VA's questions and concerns.

### 4.3 Employee Interviews

After the kick-off meeting, discuss the completed questionnaire with VA personnel. Clarify any uncertainties and develop a strategy for visiting regulated areas efficiently and in a manner that is least disruptive to facility operations.

Tour all regulated areas and interview staff to gain a better understanding of current and historic work practices as well as to collect relevant data. In addition to queries concerning waste handling practices, chemical use, treatment activities, and facility operations, auditor should also gather information concerning: the VA's environmental compliance management systems; communication between environmental managers and staff; and programs for achieving and maintaining compliance.

### 4.4 Document Review

All inquiries and information requests to regulatory agencies should be done in a manner that minimizes adverse impact to VA. Electronic and web based inquiries and searches are acceptable and should be used to the extent possible.

Historical documents such as aerial photographs should be used where feasible to identify environmental conditions such as landfill areas, surface impoundments, tank farms and waste treatment areas.

Review documents requested in the Pre-Audit Document Request, as well as any other documents relevant to the audited programs or environmental management systems. During the course of the on-site audit, additional documents may be requested to provide relevant and useful information.

### 4.5 On-Site Observations

At each site, tour regulated areas of the VA's facilities including, but not limited to, the following locations. The contractor is responsible for the identification and inspection of all appropriate areas of the facility required to complete a comprehensive environmental audit.

The contractor will verbally report any non-compliance item that presents an **imminent and substantial endangerment** to human health or the environment **immediately** to the designated contracting officer's technical representative (COTR). The contractor will submit a written report within three days calendar days of reporting an imminent non-compliance situation.

#### A. Facilities Operations and Maintenance

1. Air conditioning/refrigeration units



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2. Appliance and equipment repair, including medical equipment
3. Building cleaning and maintenance
4. Building renovation and construction
5. Cafeteria
6. Chemical storage areas including pesticide storage facilities
7. Drinking water treatment systems
8. Fabrication shops
9. Furniture repair
10. Heating and power plants (e.g., boilers, emergency generators)
11. House or architectural structure painting
12. Landscaping operations including herbicide or pesticide storage areas
13. Laundry facilities
14. PCB transformers and switches
15. Resource recovery/incinerator facilities
16. Waste disposal areas
17. Wastewater treatment facilities
18. Waste treatment facilities such as autoclaves
19. Universal waste process and storage areas for batteries, florescent lights and or mercury containing devices.
20. Battery storage, recycling and or recharging areas.
21. Salt and sand storage
22. Grounds that include wetlands and or have storm water drainage/management issues
23. Buildings with cultural and historical significance

### **B. Fleet Maintenance**

1. Automotive, truck, and ambulance servicing areas
2. Gasoline service stations
3. Garages
4. Areas generating used oil

### **C. Hazardous Waste / Tanks / Wells**

1. Aboveground and underground storage tanks and their containment areas/systems.  
Review documentation regarding closures of regulated tanks previously removed from service
2. Dry wells, septic systems, cesspools, floor drains, sink drains, and disposal wells
3. Facilities treating, storing, or disposing of hazardous wastes
4. Hazardous waste satellite accumulation areas
5. Hazardous waste storage areas
6. Tanks that have been permanently or temporarily closed
7. Transformers and oil-containing electrical equipment (PCB and non-PBC)
8. Universal waste storage areas
9. Radiographic and photographic areas generating chemical waste and/or scrap films

### **D. Laboratories**

1. All clinical, pathology, and dental laboratories
2. All teaching and research laboratories with chemical use

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### **E. Patient Care**

1. Anesthesiology
2. Chemotherapy and chemotherapeutic waste storage areas
3. Dentist's offices
4. Doctor's offices
5. Pharmacies, pharmacy preparation and storage, including outdated pharmaceuticals
6. Histology
7. Intensive Care Units
8. Neonatal Areas
9. Nursing Stations
10. Operating Rooms
11. Pathology, microbiology
12. Patient's Rooms
13. Patient treatment areas
14. X-Ray/Radiology
15. Radiation Oncology and Nuclear Medicine

### **F. Sterile Supply and Materials Management**

1. Autoclaving Units
2. Ethylene Oxide (EtO) Units
3. Glutaraldehyde use/storage
4. Use and disposal of disinfectants

### **G. Use and Disposal of Known Chemicals/Products of Concern**

1. Computers/monitors, circuit boards, and other lead-bearing electronics
2. Ethanol and formaldehyde/ethanol solutions
3. Fluorescent light bulbs and other types of lamps, including high-intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps
4. Formaldehyde/Formalin
5. Mercury and Mercury-containing devices and products
6. PVC-containing devices
7. Xylenes
8. Batteries
9. Solvents
10. Photographic chemicals and scrap film
11. High Hazard Chemicals

### **H. Other Services**

1. Athletic and training facilities
2. Morgue and Autopsy suite
3. Photo processing/publishing
4. Morgue/Crematorium
5. Animal care areas

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### **4.6 Previous Environmental Audit Review and Standardization**

The contractor shall review all previous and existing facility Environmental Compliance Audits to determine if standard audit protocols were used and the findings address appropriate federal, state, and local environmental regulations. The previous or existing Audits will be used to determine if the findings are repeat findings or not. Submit review findings and recommendations to the COTR for review and action as appropriate. The contractor will enter the information contained in these audits in CP-Track.

### **4.7 Closeout Meeting**

At the conclusion of the site work, hold a preliminary closeout meeting with appropriate VA representatives for each site, highlight preliminary findings. Identify regulatory deficiencies that could result in significant action by EPA, state or local agencies. Provide recommendations to address as many issues as possible and steps that can be taken by the VA to address identified deficiencies. The report will be drafted in a manner that allows time for effective disclosure while providing a clear road map for gaining as well as maintaining compliance.

### **4.8 Audit Reports**

#### **A. Draft Audit Report:**

1. Provide the VA with a comprehensive written interim environmental compliance audit report for each VA facility in accordance with the timeframes established in Attachment C 'Schedule of Audits and Reports' based upon the findings identified in the previous tasks.
2. The contractor will document all findings in the CP-Track software and may utilize CP Track to generate the report of audit findings. All non-compliant areas/operations shall be identified and included in the interim report that shall be submitted by the contractor within 30 days of the site audit.
3. The VA will provide comments on the draft report to the contractor in accordance the timeframes established in Attachment C 'Schedule of Audits and Reports'. In addition, the VA will provide any additional documentation that may not have been made available during the audit to substantiate comments.
4. Contractor to submit the final audit report to the VA in accordance with the timeframes established in Attachment C 'Schedule of Audits and Reports'.
5. The draft and final audit report shall include the following:
  - a. An Executive Summary.
  - b. Methods, scope and procedures used for conducting the audit including the 'multi-media' scope.
  - c. Identification of specific program deficiencies with associated reference to applicable Federal, State, and local standards.
  - d. Categorization of deficiencies as 'Significant', 'Major', 'Minor', 'Management Practice' or 'Positive'.
  - e. Recommended actions for abatement and an estimate of associated costs.

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- f. Overview of each major program area for multimedia compliance noting level of compliance and/or areas of non-compliance and recommended corrective actions segregated according to media.
- g. Checklists, forms, tables, maps, sampling records, and other documentation that supports the audit findings.
- h. Identification of pollution prevention (P2) opportunities.
- i. Findings and options for improving the site environmental management systems in order to better achieve regulatory compliance.

### **B. Quality Assurance**

- 1. Audit findings will undergo quality assurance by the audit team leader, the facility GEMS coordinator and the VISN 23 GEMS Officer/Industrial Hygienist.
- 2. The Quality Assurance review and any corrections will be completed within 30 days from the last day of the audit.

### **C. Final Audit Report**

- 1. Enter all revisions resulting from the draft report comments in the CP-Track database.
- 2. Provide a final comprehensive environmental compliance report, including revisions resulting from the draft report comments, for each facility in accordance with the schedule in Attachment C 'Schedule of Audits and Reports'.
- 3. Provide two (2) bound, hard copies of each Individual facility report incorporating appropriate changes from the draft report review to the facility and two (2) to the VISN 23 GEMS Officer/Industrial Hygienist. Provide a copy in electronic media using Microsoft Word and or Excel or Acrobat for any PDF's, including any pictures taken during the audit. Electronic pictures shall be in JPEG, documents in pdf are only acceptable if approved by the COTR.
- 4. Provide one (1) bound, hard copy and electronic copy, comprehensive network (all facilities) report incorporating appropriate changes from the draft report review to the VISN 23 GEMS Officer/Industrial Hygienist.
- 5. All hard copies will be printed, to the extent feasible, double sided and on rated recycled paper (30% or more recycled content).
- 6. All audit results, findings, reports, etc. are the property of the VA and the use of information gained by the contractor during the conduct of the environmental site assessment/audit is strictly prohibited.
- 7. Provide a summary report to VISN 23 GEMS Officer/Industrial Hygienist which would be a compilation of all of the facility findings to include recommendations reflecting Environmental strengths and weaknesses, opportunities for improvement and any areas where VISN 23 could benefit from training.

### **4.9 Technical Support**

Provide technical support to assist in the clarification, interpretation, and explanation of findings for the duration of the contract. The auditors will be restricted from performing corrective action work that is identified as deficiencies or non conformities during the course of the audit.